

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)	
Plaintiff,)	
)	
v.)	Civil Action No. 03-12438-JGD
88 LOVELLS LANE, MARSTON MILLS,)	
MASSACHUSETTS,)	
Defendant,)	
)	
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VICTOR MILLER,)	
Claimant.)	

ORDER FOR SALE OF
88 LOVELLS LANE, MARSTON MILLS, MASSACHUSETTS

It is hereby ORDERED, ADJUDGED, and DECREED that:

The Motion for Sale of Property to Satisfy Judgment and Order of Forfeiture is allowed.

The United States Marshals Service ("USMS") shall market and sell the real property, including all buildings and appurtenances, located at 88 Lovells Lane, Marston Mills, Massachusetts (the "Defendant Real Property"), as provided by law.

Claimant Victor Miller shall promptly execute all documents necessary to transfer possession of, and clear title to, the United States for the purpose of disposing of the Defendant Real Property pursuant to this Order. Such steps may include, without limitation, executing and surrendering deeds and any other documents deemed necessary by the government to complete the sale of the Defendant Real Property pursuant to this Order.

The sale of the Defendant Real Property will take place on the following terms:

- a. The USMS shall sell the Defendant Real Property. The USMS shall arrange for, and shall have sole control of, the sale of the Defendant Real Property, in accordance with the regulations prescribed by the Department of Justice and the policies regarding the disposition of forfeited property. The USMS may, among other things, retain a real estate broker and other professionals in its reasonable best efforts to market and sell the Defendant Real Property at the highest possible price.
- b. Any offer to purchase the Defendant Real Property must be communicated to counsel for Claimant Victor Miller, and counsel for Claimant Victor Miller shall notify the USMS in writing within 24 hours of notice regarding Claimant Victor Miller's position as to the acceptance or rejection of the offer. If the USMS and Claimant Victor Miller disagree as to whether an offer should be accepted or rejected, either party may move the Court for an Order directing the sale of the Defendant Real Property pursuant to the offer.
- c. At the closing, a check, made payable to the United States Marshals Service for the full sale price, shall be delivered to the USMS. The USMS shall distribute the sale proceeds in the following manner and order:
 - (i) all costs and expenses reasonably incurred by the United States in marketing and selling the Defendant Real Property;
 - (ii) the cost of any comprehensive insurance on the Defendant Real Property;
 - (iii) any outstanding real estate taxes due to the Town of Marston Mills, Massachusetts, with respect to the Defendant Real Property;
 - (iv) any valid and superior liens, attachments, or encumbrances of record, with respect to the Defendant Real Property;
 - (v) fifty percent (50%) of the remaining balance shall be paid to Claimant Victor Miller by check; and

(vi) the USMS shall dispose of the remaining net balance of the sale proceeds in accordance with applicable law.

SO ORDERED AND ENDORSED:

JUDITH G. DEIN
United States Magistrate Judge

Date: